

ORDINANCE NO. 04-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-920 OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE PURPOSE AND INTENT, ALLOWABLE USES, LIST OF PERMITTED USES, AND DEVELOPMENT STANDARDS IN THE RESIDENTIAL PRESERVATION ZONING DISTRICT AND PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Board of County Commissioners deserves to clarify the intent of the Residential Preservation zoning district specifically with regard to the allowable densities of new development while protecting existing and established residential development;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

SECTION 1. Chapter 10, Section 10-920 is hereby amended to provide as follows:

(a) *Purpose and intent.* The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. (Certain nonresidential activities may be permitted, such as home occupations consistent with the applicable provisions of Section 10-1103; community services and facilities/institutional uses consistent with the applicable provisions of Section 10-1104; and churches, religious organizations, and houses of worship. ~~See division 8, supplementary regulations.~~) Single-family, duplex residences, ~~mobile homes~~ manufactured homes, and cluster housing may be permitted within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.

(1) ~~For~~ In residential preservation areas outside the urban service area, the density of the nonvested development in residential preservation areas shall be consistent with the underlying land use category. ~~no more than one unit per ten acres in the rural category; no ore than one dwelling unit per three acres or one dwelling unit per acre if clustered on 25 percent of the site in the urban fringe category.~~

1 Allowable density and development type in the residential preservation
2 zoning district shall be consistent with any and all existing residential development
3 patterns within the adjacent portions of the affected residential preservation zoning
4 district.
5

6 (2) In residential preservation areas inside the urban services area, new
7 residential development densities shall be consistent with those within the developed
8 portions of the recorded or unrecorded subdivision in which they are located.
9 Consistency for the purposes of this paragraph shall mean that proposed lots shall not be
10 smaller than the smallest lot that was created by the original subdivision plat or any
11 subsequent replat that may have occurred consistent with County land development
12 regulations in effect at the time.
13

14 (3) When new residential development inside the urban services area is
15 proposed for an area not located within a recorded or unrecorded subdivision, densities
16 shall be permitted in the range of zero to six dwelling units per acre ~~and shall be further~~
17 ~~limited to a density of no greater than 25 percent more than that of the densest residential~~
18 ~~land development contiguous to the proposed development. Or, in the case of no existing~~
19 ~~contiguous residential development, the proposed development shall be limited to a~~
20 ~~density of no greater than 25 percent more than that of the densest residential land~~
21 ~~development currently existing within one quarter mile. For purposes of this section, the~~
22 ~~density of existing residential development shall mean the net density of the residential~~
23 ~~development within one quarter mile of the development. consistent with the availability~~
24 ~~of central water and sewer service to accommodate the proposed development. If central~~
25 ~~water and sewer service is not available, density shall be limited to a maximum of two (2)~~
26 ~~dwelling units per acre consistent with all applicable provisions of the Environmental~~
27 ~~Management Act.~~
28

29 (4) Allowable development type shall be construed to mean number of
30 units (single-family vs. duplex) and permitting type (conventional - building code or
31 ~~DCA Department of Community Affairs (DCA)~~ approved vs. ~~mobile home/~~
32 ~~manufactured home - DHSMV Department of Highway Safety and Motor Vehicles~~
33 ~~(DHSMV) approved and as further described in Article XVII of this Chapter).~~ Areas
34 Parcels proposed for residential development surrounded entirely by a mix of
35 conventional single-family homes and manufactured homes, residential residences shall
36 ~~only~~ be developed for conventional single-family, DCA approved or residential design
37 manufactured home (RDMH) use, unless standard design manufactured home
38 (SDMH)/mobile home development is the predominant development type. ~~more~~
39 ~~residences; areas~~ Parcels proposed for residential development surrounded entirely by
40 duplex residences ~~may~~ shall only be developed for duplex residences; ~~areas~~ parcels
41 proposed for residential development surrounded by a mixture of single-family and
42 duplex development ~~may~~ shall be developed for single-family use ~~only~~, unless duplex
43 residential development is the predominant development type.

(5) The placement of new SDMH and mobile homes/manufactured homes shall be allowed in existing mobile manufactured home parks of public record, existing subdivisions platted explicitly for the purposes of allowing either mobile manufactured homes or mobile homes and conventional single-family homes, or as replacement of any lawfully existing mobile manufactured home of public record consistent with the provisions of Article XVII of this Chapter. The establishment of new mobile home/manufactured home parks shall be consistent with the requirements set forth in Section 10-1105 of this article.

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in the RP zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Low-density residential.
- (2) Passive recreation.
- (3) Active recreation.
- (4) Community services.
- (5) Light infrastructure.

(c) *List of permitted uses.* See schedules of permitted uses, Section 10-1210. Some of the uses on these schedules are itemized according to the Standard Industrial Code (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may be classified as permitted, restricted, or permitted through special exception, or not allowed. Those uses or activities permitted through special exception shall require review and approval by the Board of County Commissioners consistent with the provisions of Section 10-954.

(d) *Development standards.* All proposed development shall meet the applicable buffer zone standards as outlined in (Section 10-923). For residential development in recorded or unrecorded subdivisions, the development standards including front, rear, side, and side corner yard setbacks for new residential development shall be consistent with the developed portions of the recorded or unrecorded subdivision in which it is located. For new residential development in residential preservation areas not located in recorded or unrecorded subdivisions, the applicable development standards including, but not limited to front, rear, side, and side corner yard setbacks shall be established at the time of subdivision and site and development plan review.

1 **SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this
2 ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts
3 with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall
4 prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with
5 the said Comprehensive Plan.

6
7 **SECTION 4.** If any word, phrase, clause, section or portion of this ordinance shall be
8 held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall
9 be deemed a separate and independent provision and such holding shall not affect the validity of
10 the remaining portions thereof.

11
12 **SECTION 5.** This ordinance shall become effective upon adoption.

13
14 **DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon
15 County, Florida, this ____ day of _____ 2004.

16
17 **LEON COUNTY, FLORIDA**

18 By: _____
19 **Jane G. Sauls, Chairman**
20 **Board of County Commissioners**

21
22 ATTESTED BY:
23 BOB INZER, CLERK OF THE COURT
24 By: _____
25 Clerk

26
27 APPROVED AS TO FORM:

28
29 COUNTY ATTORNEY'S OFFICE
30 LEON COUNTY, FLORIDA

31
32 By: _____
33 HERBERT W. A. THIELE
34 COUNTY ATTORNEY